

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EARL B. PENN,

Defendant.

Case No.20-00266 -CV-W-BP

DATE: August 30, 2022

MINUTES OF JURY TRIAL

HONORABLE Beth Phillips presiding at Kansas City, Missouri.

Nature of Proceeding: Jury Trial – Day 1

Time Commenced: 8:53 a.m.

Time Terminated: 4:23 p.m.

Plaintiff by: Brandon Gibson and Joseph Marquez

Defendant by: Lesley Smith and Robert Kuchar

Remarks:	Witness Testifying
<p>MORNING: 8:53 a.m. - Pretrial conference held. Defendant's motion to dismiss (Doc. 122) is DENIED. Written order to follow. 8:57 a.m. - Break. 9:07 a.m. - In session. Jury panel seated and sworn. Voir dire begun. 10:20 a.m. – Panel excused for break. 10:27 a.m. – Break. 10:42 a.m. - In session. Voir dire continued. 11:23 a.m. - Panel excused from courtroom. 11:24 a.m. - Strikes for cause made. Peremptory strikes made. 12:00 p.m. – Court reconvenes. Thirteen selected Jurors called. 12:04p.m. – Unselected jurors released. 12:05 p.m.- Court in Recess.</p> <p>AFTERNOON: 1:02 p.m. – Court reconvenes. 1:09 p.m. – Break. 1:24 p.m. - Jury panel consisting of thirteen jurors, seated and sworn. Initial Instructions read by the Court to jury panel. 1:17p.m. – Plaintiff presents opening statement. 1:30 p.m. – Defendant presents opening statement. 1:47 p.m. – Plaintiff begins presentation of case-in-chief. Joseph Herrera, sworn and testifies: Direct- 1:48 p.m.; Cross- 2:09 p.m.; Re-direct- 2:19 p.m.; Re-cross- 2:21 p.m.; Excused- 2:22 p.m. Chris Davis, sworn and testifies: Direct – 2:24 p.m.; Cross – 2:41 p.m.; Re-direct – 2:46 p.m.; Excused – 2:47 p.m. Break – 2:47 p.m. 3:09 p.m. – Court reconvenes. Aaron King, sworn and testifies: Direct- 3:10 p.m.; Cross – 3:23 p.m.; Re-direct – 3:31 p.m.; Excused – 3:33 p.m. Christopher Shawn Collie, sworn and testifies: Direct – 3:34 p.m.; Cross – 3:45 p.m.; Re-direct – 3:49 p.m.; Excused – 3:50 p.m. Robert Millier, sworn and testifies: Direct – 3:52 p.m.; Cross – 3:58 p.m.; Re-direct – 4:00 p.m. Excused – 4:00 p.m. 4:01 p.m. – Plaintiff's exhibit #42 – Stipulation read to the Jury. 4:03 p.m. – Plaintiff rests. 4:04 p.m. - Jurors released for the day. Defendant verbally moves for judgment of acquittal pursuant to Rule 29(a), Fed. R. – Overruled. 4:23 p.m. – Court is in Recess.</p> <p>Trial to Reconvene on August 31, 2022 at 9:00 a.m. Counsel to be present at 8:30 a.m.</p>	<p><u>Joseph Herrera</u> 1:48 p.m. – 2:22 p.m.</p> <p><u>Chris Davis</u> 2:24 p.m. – 2:47 p.m.</p> <p><u>Aaron King</u> 3:10 p.m. – 3:33 p.m.</p> <p><u>Christopher S. Collie</u> 3:34 p.m. – 3:50 p.m.</p> <p><u>Robert Millier</u> 3:52 p.m. – 4:00 p.m.</p>